

THE HONORABLE JAMAL N. WHITEHEAD

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SHOALWATER BAY INDIAN TRIBE,

Plaintiff,

v.

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION, BP
P.L.C., BP AMERICA INC., CHEVRON
CORPORATION, CHEVRON USA, INC.,
SHELL PLC, SHELL OIL COMPANY,
CONOCOPHILLIPS, CONOCOPHILLIPS
COMPANY, PHILLIPS 66, and PHILLIPS 66
COMPANY,

Defendants.

No. 2:24-cv-00158-JNW

**STIPULATED MOTION AND
ORDER REGARDING
CONSOLIDATED BRIEFING ON
MOTION FOR REMAND**

Noted for March 15, 2024

RECITALS

Plaintiff, the Shoalwater Bay Indian Tribe (“Plaintiff”), and Defendants B.P. p.l.c., BP America Inc., Chevron Corporation, Chevron U.S.A. Inc., Exxon Mobil Corp., ExxonMobil Oil Corporation, Shell plc, Shell USA, Inc. (f/k/a Shell Oil Company), ConocoPhillips, ConocoPhillips Company, Phillips 66, and Phillips 66 Company (collectively, “Defendants”) (Plaintiff and Defendants are collectively referred to herein as “the Parties”), hereby stipulate and agree to the following motion to consolidate briefing with respect to the Plaintiffs’ motion to remand in this matter and in the matter of *Makah Indian Tribe v. Exxon Mobil Corporation et. al.*, 2:24-CV-0157-JNW.

WHEREAS, on December 20, 2023, Plaintiff filed a complaint against the Defendants in the Superior Court of the State of Washington in and for the County of King, No. 23-2-25215-2 SEA, and the Makah Indian Tribe separately filed a substantially similar complaint against the Defendants in the Superior Court of the State of Washington in and for the County of King, No. 23-2-25216-1-SEA (the “Makah action”).

WHEREAS, on February 6, 2024, Defendants Chevron Corporation and Chevron U.S.A., Inc., with the consent of all properly named and served Defendants, removed this action and the Makah action from the Superior Court to this Court;

WHEREAS, Defendants’ removal notices in this action and the Makah action are substantially similar with the sole exception that, in the Makah action, the Defendants raise a treaty rights argument for removal and do not make a similar argument in their removal notice in this action;

1 **WHEREAS**, Plaintiff and the Makah Indian Tribe (collectively, “Plaintiffs”) each intend
2 to file a Motion to Remand in this action and in the Makah action, which Defendants intend to
3 oppose;

4 **WHEREAS**, the Plaintiffs and Defendants agree that it would be most efficient for all
5 briefing on the Motion to Remand to be consolidated, with Plaintiffs filing a single motion and
6 brief, Defendants filing a single opposition brief, and the Plaintiffs filing a single reply brief;

7 **WHEREAS**, the Plaintiffs and Defendants further agree that to accommodate such
8 consolidated briefing in the two cases, the word limitations should be extended to provide for up
9 to 10,000 words for the Plaintiffs’ motion and brief and the Defendants’ brief in opposition and
10 up to 5,000 words for the Plaintiffs’ reply brief;

11 **WHEREAS**, this Stipulated Motion does not operate as an admission of any factual
12 allegation or legal conclusion and is submitted subject to and without waiver of any right,
13 defense, affirmative defense, claim, or objection, including lack of subject matter jurisdiction,
14 or lack of personal jurisdiction, insufficient process, or insufficient service of process;

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17 **STIPULATED MOTION**

18 **NOW THEREFORE**, the Parties hereby agree and stipulate, and respectfully move the
19 Court to enter an order, as follows:

20 1. Briefing on the Plaintiffs’ Motion to Remand in this action and in *Makah Indian*
21 *Tribe v. Exxon Mobil Corporation et. al.*, 2:24-CV-0157-JNW, shall be consolidated with the
22 Plaintiffs filing a single motion and brief, the Defendants filing a single opposition brief, and the
23 Plaintiffs filing a single reply brief.
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2. The Plaintiffs' motion and brief and the Defendants' opposition brief shall not exceed 10,000 words. The Plaintiffs' reply brief shall not exceed 5,000 words.

Counsel certifies that this memorandum contains 517 words, in compliance with the Local Civil Rules.

Dated: March 15, 2024

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ORDER

For the reasons above, and finding good cause, the Court hereby grants the Parties' stipulated motion. It is so ordered.

Dated this 19th day of March, 2024.



Jamal N. Whitehead
United States District Judge